

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ANNE FRANCISCO, et al.,

Plaintiffs,

v.

CORIZON HEALTH, INC., et al.,

Defendants.

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Case No. 4:17-CV-01455-HEA

MOTION FOR APPROVAL OF PARTIAL WRONGFUL DEATH SETTLEMENT

COME NOW Plaintiffs Anne, Thurman and Tyler Francisco, by and through counsel, and pursuant to §537.095 R.S.Mo., hereby move this Court to enter its Order approving the partial settlement of the claims in this lawsuit. Plaintiffs have settled their claims against Defendants Corizon Health, Inc., Corizon, LLC, Lisa Sanderson, Moses Ambilichu, Marion McIntyre a/k/a M. Kay McIntyre, and Rajendra Gupta. Plaintiffs have not settled their claims against Defendants Thomas Villmer, Gregory Rhodes, Jason England, Michael Griffin, Kimberly Scallion and any other employee of or entity within the State of Missouri. In support of the Motion for Approval of Partial Wrongful Death Settlement, Plaintiffs state:

1. Joshua Francisco died on October 22, 2014, as a result of suicide while incarcerated at Farmington Correctional Center.

2. Joshua Francisco, deceased, is survived by the following class one persons under RSMo. 537.080.1(1):

- (a) Plaintiff Tyler Francisco, adult son, resident of Missouri;
- (b) Alexis Francisco, adult daughter, resident of Missouri at 3175 Old Baumgartner Estates Ct., St. Louis, MO 63129;
- (c) Plaintiff Anne Francisco, mother, resident of Missouri;

(d) Plaintiff Thurman Francisco, father, resident of Missouri.

3. Pursuant to §537.080.1(1) RSMo., due to their relationship to Joshua Francisco, the persons listed in paragraph 2 are members of the class who are entitled to share in a portion of the settlement proceeds.

4. Prior to the filing of this lawsuit, Plaintiffs Anne, Thurman and Tyler Francisco signed a written contract retaining attorney James E. Parrot. Plaintiffs agreed that the attorney's fee would be one-third of any recovery and that attorney Parrot would be entitled to reimbursement of litigation expenses.

5. Plaintiffs have extensively investigated the facts of this case by obtaining over seven thousand pages of documents and conducting seventeen depositions. Plaintiffs have retained a psychiatric expert witness on prison suicides and a corrections expert.

6. Defendants Corizon Health, Inc., Corizon, LLC, Lisa Sanderson, Moses Ambilichu, Marion McIntyre a/k/a M. Kay McIntyre, and Rajendra Gupta deny any liability for the wrongful death of Joshua Francisco.

7. During mediation on March 30, 2022, Plaintiffs agreed to settle all claims against Defendants Corizon Health, Inc., Corizon, LLC, Lisa Sanderson, Moses Ambilichu, Marion McIntyre a/k/a M. Kay McIntyre, and Rajendra Gupta arising out of the death of Joshua Francisco in the total amount of SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00).

8. Given the facts and law applicable to Defendants Corizon Health, Inc., Corizon, LLC, Lisa Sanderson, Moses Ambilichu, Marion McIntyre a/k/a M. Kay McIntyre, and Rajendra Gupta, Plaintiffs request the Court to determine, pursuant to Missouri law, that said settlement is fair, reasonable, and in good faith.

9. The settlement between Plaintiffs and Defendants Corizon Health, Inc., Corizon, LLC, Lisa Sanderson, Moses Ambilichu, Marion McIntyre a/k/a M. Kay McIntyre, and Rajendra Gupta is set forth in a written Settlement Agreement and Release of all claims, for each Plaintiff and any intervening claimant, which will be submitted to the Court upon request. Said written Settlement Agreement and Release operates to discharge Defendants Corizon Health, Inc., Corizon, LLC, Lisa Sanderson, Moses Ambilichu, Marion McIntyre a/k/a M. Kay McIntyre, and Rajendra Gupta, from any liability for the alleged wrongful death of Joshua Francisco.

10. Plaintiffs propose that the settlement proceeds be divided as follows:

- a. Tyler Francisco to receive \$9,500.00;
- b. Alexis Francisco to receive \$9,500.00;
- c. Thurman and Anne Francisco to receive jointly \$7,000.00; and
- d. attorney James E. Parrot to receive \$49,000.00 for attorney's fees and reimbursement for a portion of the litigation costs in this matter.

11. All persons entitled to pursue a claim pursuant to Missouri law arising out of the death of Joshua Francisco have been given notice of the settlement, believe the partial settlement is in their best interest, and have consented and agreed to the settlement and the distribution of the settlement proceeds, see Declarations filed herewith.

12. Pursuant to §537.095 RSMo., the Motion for Approval of Partial Wrongful Death Settlement will be taken up for hearing and final disposition by the Court at a place and time to be determined, unless the Court deems sufficient to rule based upon this motion and the declarations filed herewith.

13. All persons entitled to pursue a claim pursuant to Missouri law arising out of the death of Joshua Francisco have been notified they may, in writing or in person if the Court deems it proper, oppose this motion, consent to it, retain their own attorney, and present evidence if they so desire.

14. All persons entitled to pursue a claim pursuant to Missouri law arising out of the death of Joshua Francisco will be notified of the place and time of any such hearing on the motion to approve partial settlement.

15. All persons entitled to pursue a claim pursuant to Missouri law arising out of the death of Joshua Francisco have been notified that failing to file papers opposing the motion to approve partial settlement or appear at any hearing for approval of the settlement will result in a waiver and forfeiture of any claim or right they may have to a share in the settlement proceeds.

16. This case will continue against Defendants Thomas Villmer, Gregory Rhodes, Jason England, Michael Griffin, Kimberly Scallion and any other employee of or entity within the State of Missouri following the Court's action in response to this motion.

WHEREFORE, Plaintiffs pray the Court approve the partial settlement and distribution as aforesaid and order the Plaintiffs and any intervening claimants, to:

1. Execute receipts for the settlement funds;
2. Execute all releases; and
3. Execute acknowledgements and satisfactions of the same;

and for whatever other and further relief the Court deems just and proper under the circumstances.

Respectfully submitted,

LAW OFFICE OF JAMES E. PARROT

/s/ James E. Parrot

By: _____

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Attorney for Plaintiffs

Certificate of Service

I hereby certify that on the 17th day of June, 2022, I filed the foregoing: Motion to Approve Partial Settlement, via the Court's ECF System and same should be served on all counsel of record.

/s/ James E. Parrot

By: _____

James E. Parrot, #38056MO